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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,199	12/26/2000	Mark R. Hinds	91436-298	1324
22463	7590	10/19/2004	EXAMINER	
SMART AND BIGGAR 438 UNIVERSITY AVENUE SUITE 1500 BOX 111 TORONTO, ON M5G2K8 CANADA			BONZO, BRYCE P	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/746,199

Applicant(s)

HINDS ET AL.

Examiner

Bryce P Bonzo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-115 is/are rejected.
- 7) ☒ Claim(s) 6, 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-5, 7-9 and 1-12 are rejected under 35 USC §102.

Claims 14, 15 and 19 are rejected under USC §103.

Claim 6 and 13 is canceled by Applicant.

Claims 16-18 and 20-22 are objected to while containing allowable matter.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldring (United States Patent No. 4,684,245).

As per claim 1, Goldring discloses:

at least one passive component (column 3, lines 62 through column 4, line 16);

an identification module for storing component information relating to said at least one passive component (column 4, lines 40-57);

a tester interconnected with said at least one passive component (column 5, lines 45-69);

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a processor interconnected with said identification module and said tester (column 4, lines 25-26), said processor for monitoring with said tester whether a performance characteristic for said passive component is within an acceptable tolerance as specified by said component information stored in said identification module (column 6, lines 7-11).

As per claim 2, Goldring discloses:

wherein said component information comprises component identification information (column 5, line 45 through column 6, line 24), component specifications (column 5, line 45 through column 6, line 24), component calibration data (column 6, line 2 "useful data").

As per claim 3, Goldring discloses:

further comprising a common interface for said at one passive component and said identification module (Figure 2, item 30).

As per claim 4, Goldring discloses:

wherein said interface comprises optical or electrical terminals for said at least one passive component and electrical terminals for said identification (column 3, lines 59).

As per claim 5, Goldring discloses:

wherein said identification module comprises non-volatile memory (column 4, lines 40-57).

As per claim 7, Goldring discloses:

wherein said non-volatile memory comprises a read-only memory (column 4, lines 40-57).

As per claim 8, Goldring discloses:

wherein said identification module further comprises a second memory, said second memory being a read-write memory (column 4, lines 40-57; column 6, lines 1-27).

As per claim 9, Goldring discloses:

wherein said second memory stores historical performance characteristic information relating to said at least one passive component (column 6, lines 1-24).

As per claim 10, Goldring discloses:

a non-volatile memory storing specifications for a passive component (column 4, lines 40-57);

a tester for detecting signals at an input and output of said passive component (column 5, lines 45-69);

a processor operatively associated with said non-volatile memory and said tester for monitoring whether a performance characteristic of said passive component as detected by said tester is within an acceptable tolerance as specified by said specifications stored in said non-volatile memory (column 6, lines 7-11).

As per claim 11, Goldring discloses:

storing component information or said passive component in a non-volatile memory (column 4, lines 40-57);

installing said non-volatile memory in a sub-system incorporating said passive component (column 4, line 40-57),

retrieving specification information for said passive component from said non-volatile memory (column 6, lines 11-24);

sampling an input signal to and an output signal from said passive component (column 5, lines 45-69);

determining a performance characteristic for said passive component based on said sampling (column 6, lines 7-10); and

comparing said performance characteristic with said retrieved specification information to determine whether said performance characteristic is within an acceptable tolerance of said specification information (column 6, lines 7-10).

As per claim 12, Goldring discloses:

a common interface for said passive component and said non-volatile memory (Figure 2, item 30).

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldring (United States Patent No. 4,684,245).

Goldring discloses detecting errors and incorporating checksum data for locating errors. Goldring does not explicitly disclose selectively generating a warning. The Examiner takes Official Notice that it is well known in the diagnostic arts to provide a warning to a user when an error is determined. Providing a user with a warning allows user that chance to correct an error, stop using a faulty device, or order a new component. Each of these options allows the user to be actively involved in the recovery procedure with a device. Thus it would have been obvious to one of ordinary skill to incorporate the warning as known in the prior art with the error detecting equipment of Goldring and thus create a system which actively attempts to

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make the user part of the fault recovery process, and thereby provide more information to the user.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldring (United States Patent No. 4,684,245) in view of Jammu (United States Patent No. 6,643,801).

Goldring does not explicitly disclose:

wherein said processor is adapted to conduct a trend analysis for said performance characteristic using stored historical performance characteristic information, and in dependence upon said trend analysis, prompt a user to an expected date of failure of said passive component. Goldring does provide historical data that is analyzed (column 6, lines 18-24), but the analysis does not explicitly lead to a determination of a failure date. Jammu discloses the use of trend analysis leading to a predicted failure date (column 7, lines 40-65). Providing an expected date of failure enables the user to plan around the failure, be for instance replacing the faulty component prior to the date (column 7, line 65 through column 8, line 14). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the failure predicting system of Jammu in to the tester of Goldring and thereby create a system which allows for the user to be alerted to the impending failure of a device, allowing the user to handle the impending failure.

Allowable Subject Matter

Claims 16-18 and 20-22 are objected to while containing allowable matter. Applicant is advised that the claims are viewed as a whole, and the portions of the claims set forth below in combination with the remainder of the claims.

As per claims 16 and 20:

wherein said passive component comprises a dispersion compensation module (DCM), and said performance characteristic comprises at least one of insertion loss and an average chromatic dispersion value.

As per claims 17, 18, 21 and 22:

wherein said processor is adapted to conduct a trend analysis for said performance characteristic using stored historical performance characteristic information, and in dependence upon said trend analysis, recommend a date for re-test of said passive component.

Response to Arguments

In response to Applicant's Amended claims:

First, Goldring does in fact disclose a processor for monitoring characteristics at column 6, lines 7-11. As this is newly claimed subject matter the Examiner did not previously cite portion of Goldring.

Second, Goldring discloses comparing previous and current data at column 6, lines 7-11. Applicant did not previously claims this limitation and is being provided this citation for the first time.

Final Disposition

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834 or upon moving to the new facilities in Alexandria (571) 272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713 or upon moving to the new facilities in Alexandria (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bryce P Bonzo
Examiner
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